

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ROY DAVID HEATH,
AIS# 217344,
Petitioner,

v.

J.C. GILES, et. al.

Respondents.

)
)
)
) CIVIL ACTION NO. 3:05-CV-936-F
)
)
)
)

**REQUEST FOR 14 ADDITIONAL DAYS
TO RESPOND TO PETITION**

Come now the Respondents in the above styled cause, by and through the Attorney General of the State of Alabama, and request 14 additional days to respond to the petition; in support of the request the State shows the following:

1. The State is still awaiting records concerning Heath's state post-conviction petition to support the State's argument that Heath's petition is barred by the one-year statute of limitation created by 28 U.S.C. § 2244(d)(1).
2. The additional time requested will not prejudice the rights of Heath.

Wherefore, Respondents respectfully request an extension of fourteen (14) days, up to and including November 7, 2005, in which to file a response in this case.

Respectfully submitted,

s/Jean-Paul M. Chappell (CHA073)
Jean-Paul M. Chappell (CHA073)
Office of the Attorney General
Alabama State House
11 South Union
Montgomery, AL 36130-0152
Telephone: (334) 242-7300
Fax: (334) 242-2848
E-Mail: jchappell@ago.state.al.us

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of November, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: Roy David Heath, AIS# 217344, P.O. Box 767, Clayton, AL 36106.

Respectfully submitted,

s/Jean-Paul M. Chappell (CHA073)
Jean-Paul M. Chappell (CHA073)
Office of the Attorney General
Alabama State House
11 South Union
Montgomery, AL 36130-0152
Telephone: (334) 242-7300
Fax: (334) 242-2848
E-Mail: jchappell@ago.state.al.us

226189/